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September 13, 2002

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SEP 13 2002

VIA HAND DELIVERY

Marlene H. Dortch, Esquire

Secretary

Federal Communications Commission

445 12th Street, S.W., Room TW-B204

Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

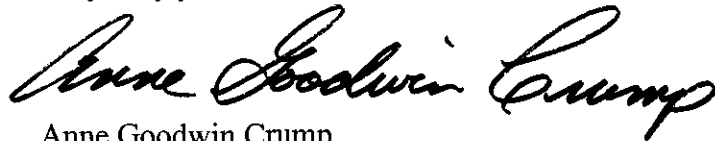
Re: MM Docket No. 02-58
Shafter, California

Dear Ms. Dortch:

Transmitted herewith, on behalf of American General Media of Texas, Inc., are an original and four copies of its "Motion for Leave to File Supplement and Supplement to Comments" in the above-referenced proceeding.

Should any questions arise concerning this matter, please communicate with this office.

Very truly yours,



Anne Goodwin Crump

Counsel for

American General Media of Texas, Inc.

Enclosures

No. of Copies rec'd 0+4
List ABCDE

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

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SEP 13 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MM Docket No. 02-58
Table of Allotments,)	RM-10415
FM Broadcast Stations.)	
(Shafter, California))	

**MOTION FOR LEAVE TO FILE SUPPLEMENT AND
SUPPLEMENT TO COMMENTS**

American General Media of Texas, Inc. ("American"), by its attorneys, hereby respectfully submits its Motion for Leave to File Supplement and its Supplement to Comments previously filed in the above-captioned proceeding. With respect thereto, the following is stated:

MOTION FOR LEAVE TO FILE SUPPLEMENT

1. The above-captioned proceeding involves the Commission's *Notice of Proposed Rule Making*, DA 02-908, released April 19, 2002, which proposes to substitute Channel 226A for Channel 282A at Shafter, California, and to modify the license for KRFR(FM) (formerly KCOO(FM)) to specify the new channel. On July 26, 2002, Clear Channel Broadcasting Licenses, Inc. ("Clear Channel") submitted "Further Reply Comments of Clear Channel Broadcasting Licenses, Inc.," in which it references its Reply Comments filed June 25, 2002, and claims that it has located an alternate, fully-spaced and available tower from which KRFR(FM) could operate on its existing channel. As an initial matter, it should be noted that these "Further Reply Comments" were filed outside of the Commission's established pleading cycle and were not accompanied by any request for leave to file or request for acceptance. On this basis alone,

the pleading should be rejected. Even if accepted and considered, however, the claims made by Clear Channel concerning the allegedly available alternate tower are misleading in that they omit material engineering information. Accordingly, so that the Commission may have a complete record before it, with all relevant facts available for consideration, American hereby requests leave to submit the instant Supplement.

SUPPLEMENT TO COMMENTS

2. As noted above, Clear Channel has claimed that an existing tower is available from which KRFR(FM) could operate on its existing channel and has pointed to the tower now occupied by KPSL(FM). Leaving aside the question of whether it would be possible for American to negotiate an actual lease agreement on reasonable and satisfactory terms with the tower owner, as opposed to a mere informal letter for purposes of a pleading, or other questions about the suitability of the tower structure for the mounting of an additional antenna, technical considerations alone prevent the KPSL(FM) tower from being a viable alternative. As set forth in the attached Engineering Statement, if KRFR(FM) were to operate from the KPSL(FM) tower, there would be a net loss of service to hundreds of thousands of persons. Specifically, the population with the KRFR(FM) 60 dBu contour would drop from 423,743 persons to 139,952 persons, representing a **67 percent decrease** in the population served.

3. Obviously, such a dramatic decrease in the population now served is entirely contrary to the public interest. Furthermore, the loss of some two-thirds of the number of persons now served by KRFR(FM) would have an inevitable, and highly detrimental, impact on the financial viability of the station which could threaten the station's ability to keep operating at all. In contrast, American's proposal would increase the number of persons served by KRFR(FM) and

would allow the station to keep operating. It is quite clear, therefore, that it is the latter proposal by American that would serve the public interest.

4. Moreover, it should be noted that in its "Further Reply Comments," Clear Channel makes no mention whatsoever of its own late-filed proposal to allot a channel to Buttonwillow, California. In its Supplement filed July 3, 2002, American pointed out that another channel was available for allotment to Buttonwillow, that a petition for rule making to allot the channel to Buttonwillow had been filed, and that a Notice of Proposed Rule Making for that allotment should be forthcoming.¹ While Clear Channel notes in its "Further Reply Comments" the filing of American's Supplement, it does not once reference the community of Buttonwillow. This omission makes it abundantly clear that Clear Channel's true and primary purpose for participation in this proceeding is to block or delay KRFR(FM) from improving its facilities and thus to squelch any potential competition from KRFR(FM). Such improper activities cannot be condoned and should be sanctioned. *See, Radio Carrollton, et al.*, 69 F.C.C.2d 1139 (1978), *recon. granted in part*, 69 F.C.C.2d 424 (1978), *recon. denied*, 72 F.C.C.2d 264 (1979).

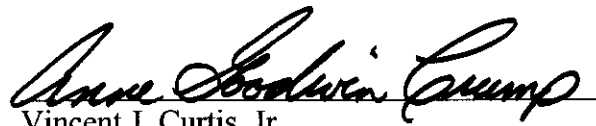
¹ That Notice of Proposed Rule Making has now been released, DA 02-1873, released August 2, 2002.

WHEREFORE, the premises considered, American respectfully requests that Channel 226A be substituted for Channel 282A at Shafter, and that the license for KRFR(FM) be modified accordingly.

Respectfully submitted,

AMERICAN GENERAL MEDIA
OF TEXAS, INC.

By:

A handwritten signature in black ink, appearing to read "Anne Goodwin Crump", written over a horizontal line.

Vincent J. Curtis, Jr.
Anne Goodwin Crump

Its Attorneys

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September 13, 2002

KLEIN BROADCAST ENGINEERING, L.L.C.

ENGINEERING STATEMENT Of POPULATION and COVERAGE AREA ANALYSIS From THREE DIFFERENT TRANSMITTER SITES For FM BROADCAST STATION KRFR(FM) SHAFTER , CALIFORNIA

SEPTEMBER 2002

INTRODUCTION and ENGINEERING STATEMENT

The firm of Klein Broadcast Engineering, L.L.C., has been retained by American General Media of Texas, Inc., licensee of FM Broadcast Station KRFR, at Shafter, California, to prepared this Engineering Statement, an analysis of area and population served within the 60dBu (1.00mV/M) Primary Protected Contour for FM Broadcast Station KRFR(FM) at Shafter, California. Three individual sites were studied in this analysis. The first site studied is the Existing site of station KRFR. The second site studied is that of the Proposed KRFR site near Oildale, California. The third site studied is that of an existing tower northwest of Shafter, California, utilized by station KPSL(FM). The contour prediction method used in the analysis is the FCC Standard Contour Prediction Method. The contours were calculated and plotted on the attached Map Exhibits using 360 radials. The terrain database used to generate the elevation data necessary for the contour calculations was derived from the DMA 3 Arc Second Terrain Datafile. The initial base elevation for each location studied was determined from U.S.G.S. 7 1/2 Minute Series Topographical Maps. There are two Map Exhibits attached herein. The first map has contours only plotted. The second map has the same contour plotted but has population distribution plotted also. Both map exhibits are produced in the same scale of 1:500,000.

The results of the analysis are as follows:

EXISTING KRFR SITE: Area a Within 60dBu Contour = 2344 square kilometers

Population Within 60dBu Contour = 423,743 persons (2000 U.S. Census)

PROPOSED KRFR SITE: Area Within 60dBu Contour = 2670 square kilometers

AREA GAIN = 326 square kilometers or 13.9% INCREASE in Area

Population Within 60dBu Contour = 445,097 persons (2000 U.S. Census)

POPULATION GAIN = 21,354 persons or 4.8% INCREASE in Population

KPSL TOWERSITE: Area Within 60dBu Contour = 2545 square kilometers

AREA GAIN = 201 square kilometers or 8.5% INCREASE in Area

Population Within 60dBu Contour = 139,791 persons (2000 U.S. Census)

POPULATION LOSS = 283,952 persons or 67% **DECREASE** in Population

The results of this analysis show a dramatic **decrease** in population served within the predicted 60dBu contour for station KRFR from the KPSL Tower Site of **67% less persons now served** from the existing site and facility of FM Broadcast Station KRFR. This amounts to a **decrease of over a quarter of a million persons** lost within the 60dBu Primary Protected Coverage Contour of station KRFR as a result of a move of the KRFR facility to the KPSL tower site.

Looking at the map exhibit with population distribution plotted, it is very easy to see the dramatic decrease/reduction in population served by the relocation of the KRFR facility to the KPSL tower site.

Respectfully submitted,

Elliott Kurt Klein, Consulting Broadcast Engineer
KLEIN BROADCAST ENGINEERING, L.L.C.

11 September 2002

KRFR Contour Analysis w/Population

KLEIN BROADCAST ENGINEERING, L.L.C.

Job: KRFR.fmj

Master Database: 2002_SEP_09W.fmd

Lat: N35:25:10 Lon: W119:11:54 NAD-27

Scale: 1:500000

Channel: 282 Class: A and 226 Class A

Status: Licensed, Construction Permit, Application, Addition, Vacant/Reserved

Population Data: 2000 U.S. Census

Terrain Database: DMA 3 Arc Second Terrain Datafile

Comments: Contours calculated using FCC Standard Prediction Method, 360 Radials

Description: AREA and POPULATION LOSS and GAIN within 60dBu CONTOUR

for 3 DIFFERENT LOCATIONS of Max Class A FACILITIES for STATION KRFR(FM)

rfInvestigator Version 1.4.1

Prepared for: KRFR(FM)

Date: 9/11/2002 5:49:57 AM

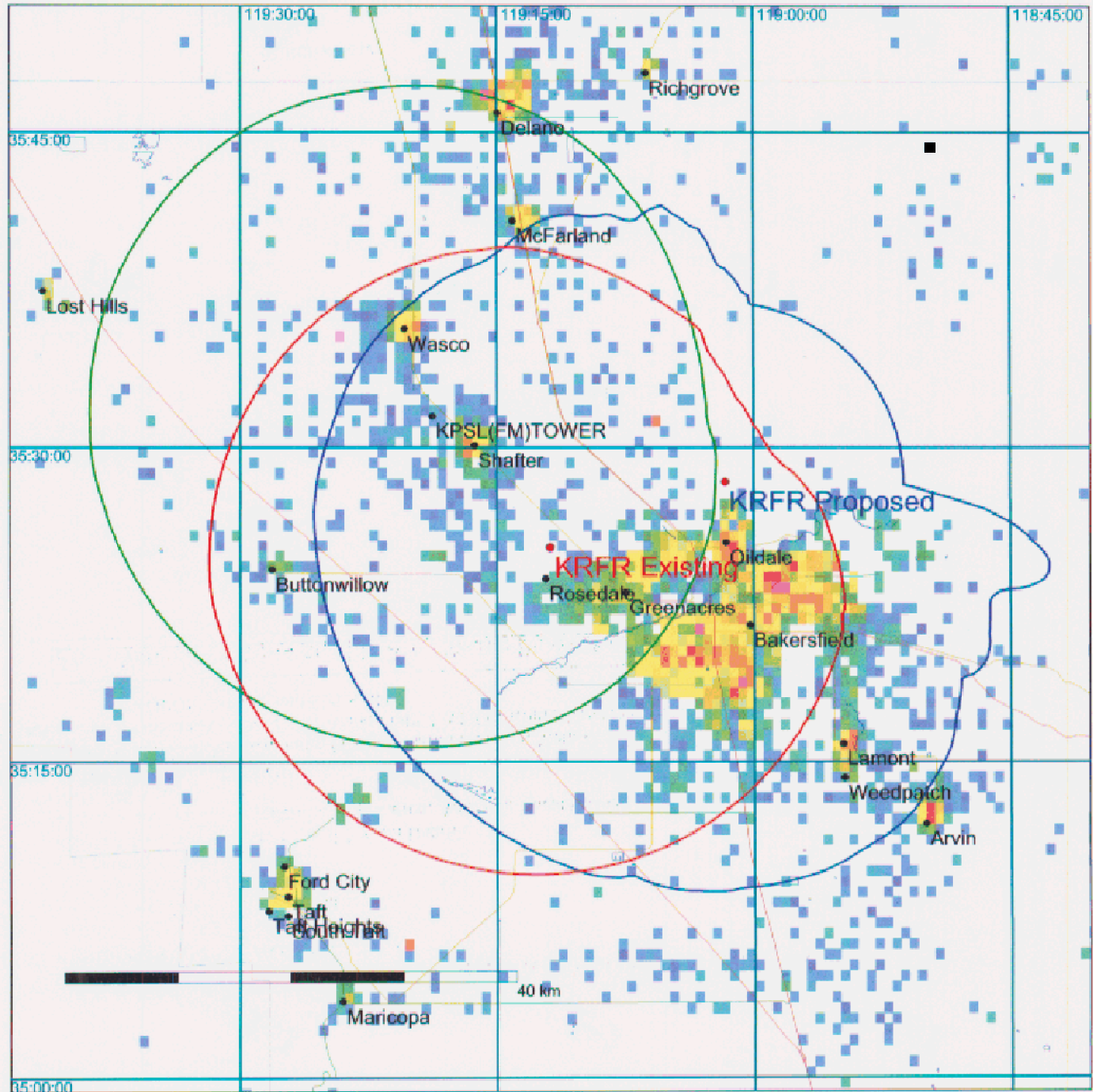
Map Contour Color Key:

60dBu of Existing KRFR facility

60dBu of Proposed KRFR facility

60dBu of Max Class A at KPSL Site

Population Density per 30"x30" Centroid



KRFR(FM)Contour Analysis

KLEIN BROADCAST ENGINEERING, L.L.C.

Job: KRFR.fmj

Master Database: 2002_SEP_09W.fmd

Lat: N35:25:10 Lon: W119:11:54 NAD-27

Scale: 1:500000

Terrain Database: DMA 3 Arc Second Terrain Datafile

Status: Licensed, Construction Permit, Application, Addition, Vacant/Reserved

Channels: 282A, 226A

Range: 100 km, Clearance: FCC

Comments: Contours calculated under FCC Standard Prediction Method, 360 Radials

Description: LOSS and GAIN of AREA and POPULATION from EXISTING SITE,
PROPOSED SITE and KPLS SITE

Prepared for: KRFR(FM)

Date: 9/10/2002 7:02:07 AM

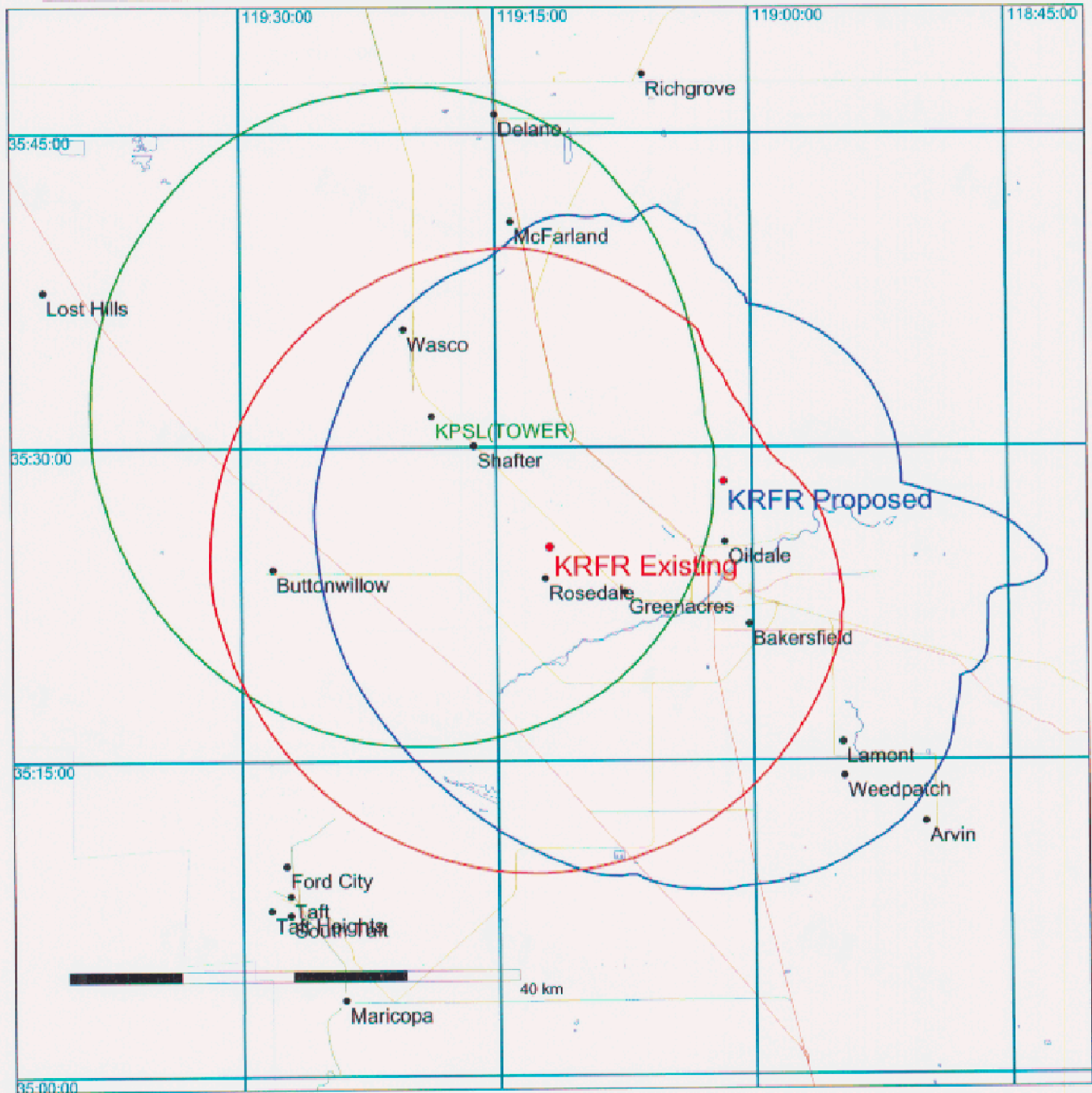
Contour Map Color Key:

60dBu from Existing KRFR Site

60dBu from Proposed KRFR Site

60dBu Max Class A from KPSL(TOWER)

Area Within Red=2344 sq.kM Area Within Blue=2670 sq.kM Area Within Green=2545 sq.kM



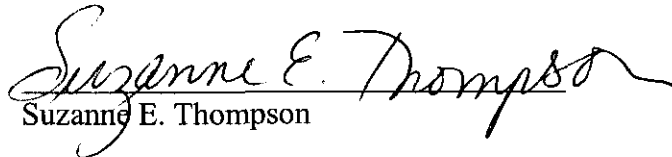
CERTIFICATE OF SERVICE

I, Suzanne E. Thompson, a secretary in the law firm of Fletcher, Heald & Hildreth, P.L.C., do hereby certify that a true copy of the Motion for Leave to File Supplement and Supplement to Comments on behalf of American General Media of Texas, Inc. was sent this 13th day of September 2002, postage prepaid, first class U.S. Mail, to the following:

Marissa G. Repp, Esquire
F. William LeBeau, Esquire
Hogan & Hartson, L.L.P.
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Counsel for Clear Channel Broadcasting Licenses, Inc.

Robert Hayne, Esquire*
Audio Division
Office of Broadcast License Policy
Media Bureau
Federal Communications Commission
445 12th Street, S.W., Room 3-A262
Washington, D.C. 20554

*via e-mail and first class mail


Suzanne E. Thompson